

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
SW/S Mt. Wilson Lane, 2900' SE of
its intersection w/Winands Road * DEPUTY ZONING COMMISSIONER
(725 Mt. Wilson Lane)
2nd Election District * OF BALTIMORE COUNTY
2nd Councilmanic District * Case No. 95-453-X
North Oaks Real Estate Part. *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 725 Mount Wilson Lane, located in the vicinity of Winands Valley Estates in Randallstown. The Petition was filed by the owners of the property, North Oaks Real Estate Partnership, by David M. Zwald, Regional Administrator, and the Contract Lessee, American PCS, L.P., by Margaret Reuggieri, through G. Scott Barhight, Esquire. The Petitioners request a special exception to permit a wireless transmitting and receiving facility on the subject property, pursuant to Section 1B01.1.C.20 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were Gregory Sarro, a representative of American PCS, L.P., Christine McSherry, Esquire, Robert E. Morlock with Daft-McCune, Walker, Inc., and Andrew Wereniak with Moffit, Larson & Johnson. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 10.28 acres, more or less, zoned D.R. 3.5 and is the site of the Mount Wilson Hospital, a life care community facility. The property was the subject of prior Case No. 86-2-XA in which a special exception and

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

variances for the existing convalescent center were granted on July 10, 1985. The Petitioners now come before me seeking a special exception for a wireless transmitting and receiving facility to be located upon the existing building as shown on Petitioner's Exhibit 1. Specifically, the Petitioners have entered into an agreement with American PCS, L.P. to place six antennae on the roof of the existing building to provide a cellular communications network for this area of Randallstown. As has been the case in similar Petitions, the company wishes to utilize existing structures to reduce the need for monopoles and new structures to support the antenna. Due to the property's zoning classification of D.R. 3.5, the relief requested is necessary in order to proceed as proposed.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 3.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

COPIES OF THIS DOCUMENT
7/15/85
[Signature]


The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of July, 1995 that the Petition for Special Exception to permit a wireless transmitting and receiving facility on the subject property, pursuant to Section 1B01.1.C.20 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:hjs

ORDER RECEIVED FOR FILING

Date

By



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 725 Mount Wilson Lane

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a wireless transmitting and receiving facility pursuant to 1B01.1.C.20

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract ~~Number~~ / Lessee:

MARGARET REUGGIERI

American PCS, L.P.

(Type or Print Name)

[Signature]

One Democracy Center

6901 Rockledge Drive, Suite 600

Address

Bethesda, MD 20817

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.

Whiteford, Taylor & Preston

(Type or Print Name)

[Signature]

500 Court Towers

210 W. Pennsylvania Ave. 832-2000

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

David M. Zwald, Regional Admin.

[Signature]

Signature

(Type or Print Name)

Signature

North Oaks Real Estate Partnership

800 Second Avenue

Address

Phone No.

Des Moines, IA 50309

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Robert E. Morelock

Daft-McCune-Walker, Inc.

Name

200 E. Pennsylvania Ave. Towson 296-3333

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: CAM

DATE

8 June 95

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Zoning Administration
& Development Management

445

95-453-X

Description
To Accompany Petition for Special Exception
10.28 Acre Parcel
North Oaks Real Estate Partnership Property
Southwest Side of Mount Wilson Lane
Northeast of Winands Road
Second Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same on the southwest side of Mount Wilson Lane at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Mount Wilson Lane with the centerline of Winands Road (1) Northeasterly, Easterly, and Southeasterly along said centerline of Mount Wilson Lane 2900 feet, more or less, and thence (2) Southwesterly 10 feet, more or less, to the point of beginning, thence leaving said point of beginning and running the seventeen following courses and distances, referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, viz: (1) South 65 degrees 08 minutes 00 seconds East 137.44 feet, thence (2) South 71 degrees 29 minutes 10 seconds East ~~25.00~~ 25.00 feet, thence (3) South 71 degrees 29 minutes 10 seconds East 225.00 feet thence (4) Southeasterly by a curve to the right with a radius of 675.00 feet, for a distance of 126.57 feet, (the chord of said arc being South 66 degrees 06 minutes 51 seconds East 126.39 feet and having a beginning tangent bearing of South 71 degrees 29 minutes 10 seconds East and a departing tangent bearing of South 60 degrees 44 minutes 32 seconds East), thence (5) South 60 degrees 44 minutes 32 seconds East 90.45 feet, thence (6)

95-453-X

Southeasterly by a curve to the left with the radius of 465.00 feet, for a distance of 112.28 feet, (the chord of said arc being South 67 degrees 39 minutes 34 seconds East 112.00 feet and having a beginning tangent bearing of South 60 degrees 44 minutes 32 seconds East and a departing tangent bearing of South 74 degrees 34 minutes 36 seconds East), thence (7) South 05 degrees 55 minutes 00 seconds East 122.96 feet, thence (8) South 24 degrees 05 minutes 00 seconds West 121.94 feet, thence (9) South 60 degrees 45 minutes 00 seconds East 190.00 feet, thence (10) South 30 degrees 40 minutes 00 seconds West 310.50 feet, thence (11) North 61 degrees 45 minutes 00 seconds West 361.75 feet, thence (12) North 80 degrees 10 minutes 00 seconds West 108.00 feet, thence (13) North 60 degrees 45 minutes 00 seconds West 175.00 feet, thence (14) North 46 degrees 38 minutes 30 seconds West 83.75 feet, thence (15) North 59 degrees 22 minutes 00 seconds West 221.00 feet, thence (16) North 34 degrees 52 minutes 30 seconds East 250.00 feet, and thence (17) North 14 degrees 19 minutes 00 seconds East 225.29 feet to the point of beginning; containing 10.28 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

June 6, 1995

Project No. 94161.37 (L94161.37)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-453-X

District Zuck

Date of Posting 6/16/95

Posted for: Special Exception

Petitioner: North Oaks Real Estate Partnerships & American P.C.S. - L.P.

Location of property: 725 Mt. Wilson Lane - Mt. Wilson Hospital

Location of Signs: Facing roadway, on property being zoned

Remarks:

Posted by

[Signature]
Signature

Date of return:

6/23/95

Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-453-X
(Item 445)

725 Mt. Wilson Lane - Mt.

Wilson Hospital
SW/S Mt. Wilson Lane,
2000 Ely Winands
2nd Election District
2nd Councilmanic

Legal Owner(s):
North Oaks Real Estate
Partnership
Petitioner/Lessee:
American PCS, L.P.
Hearing: Friday,
July 14, 1995 at 2:00
p.m. in Rm. 106, County Of-
fice Building.

Special Exception for a
wireless transmitting and re-
ceiving facility.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible, for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the file and/or hearing, please
call 887-3391.
6/26/95 June 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

6/22, 1995

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 6/22, 1995

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

Publisher



Baltimore County,
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-453-X

Account: R-001-6150

Number

445

CAD

Date

8 June 95

North Oaks Real Estate Partnership
72.5 MI. Wilson Lane

SPX — 300.00

Signs — 35.00

\$ 335.00

PAID BY CHECK
6/10/95

OFFICE OF THE
CLERK OF THE COURT

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 445

Petitioner: AMERICAN PCS, L.P.

Location: 725 MOUNT WILSON LANE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: AMERICAN PCS, L.P.

ADDRESS: ONE DEMOCRACY CENTER
6901 ROCKLEDGE DRIVE, SUITE 600

BETHESDA, MD 20817

PHONE NUMBER: (301) 214-9494

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
June 22, 1995 Issue - Jeffersonian

Please forward billing to:

American PCS, L.P.
One Democracy Center
6901 Rockledge Drive, #600
Bethesda, MD 20817
301-214-9494

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-453-X (Item 445)
725 Mt. Wilson Lane - Mt. Wilson Hospital
SW/S Mt. Wilson Lane, 2900' Ely Winands
2nd Election District - 2nd Councilmanic
Legal Owner(s): North Oaks Real Estate Partnership
Petitioner/Lessee: American PCS, L.P.
HEARING: FRIDAY, JULY 14, 1995 at 2:00 p.m. in Room 106, County Office Building.

Special Exception for a wireless transmitting and receiving facility.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 15, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-453-X (Item 445)
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2nd Election District - 2nd Councilmanic
Legal Owner(s): North Oaks Real Estate Partnership
Petitioner/Lessee: American PCS, L.P.
HEARING: FRIDAY, JULY 14, 1995 at 2:00 p.m. in Room 106, County Office Building.

Special Exception for a wireless transmitting and receiving facility.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: *David M. Zwald*
David M. Zwald/North Oaks Real Estate Partnership
Margaret Reuggieri, Esq.
G. Scott Barhight, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Jw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 06/14/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUNE 19, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 441, 442, 443, 444, 445, 446,
447, 448 AND 449.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed on Recycled Paper

**PETITION PROBLEMS
AGENDA OF JUNE 19, 1995**

437 --- MJK

1. Notary section is incorrect.

#439 --- MJK

1. Need power of attorney for person signing for legal owner.

#441 --- MJK

1. Legal owner's name does not agree on petition and plat. Petition says Garland & Carnether Hurt; plat says Sparrows Point Lodge #3339 G.W.O. of Odd Fellows. Which one is correct?

#445 --- CAM

1. Legal owner's name does not agree on petition and plat. Petition says David M. Zwald, Regional Admin.; plat says North Oaks R.E. Part. Which one is correct?

#448 --- JJS

1. No telephone number on petition form for legal owner.

#449 --- JJS

1. Notary section is incomplete.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
725 Mt. Wilson Lane (Mt. Wilson Hospital)
SW/S Mt. Wilson Lane, 2900' Ely Winands * ZONING COMMISSIONER
2nd Election District - 2nd Councilmanic * OF BALTIMORE COUNTY
North Oaks Real Estate Partnership *
Petitioners * CASE NO. 95-453-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preson, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 19, 1997

Mr. Kevin L. Mason
Entel Technologies, Inc.
1110 North Glebe Road, Suite 850
Arlington, VA 22201

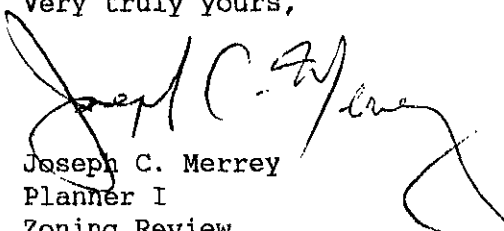
RE: Spirit and Intent
725 Mt. Wilson Lane
8th Election District

Dear Mr. Mason:

Upon review of your correspondence dated March 6, 1997 regarding the above referenced matter, please be advised that it is the opinion of this office that your request to upgrade and expand the subject facility with: Six (6) panel antennas measuring 48 inches in height x 6.1 inches in width x 2.8 inches in depth; and, three (3) equipment cabinets measuring approximately 6.0 inches in height x 30 inches in width x 30 inches, is within the spirit and intent of zoning case #95-453-X.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

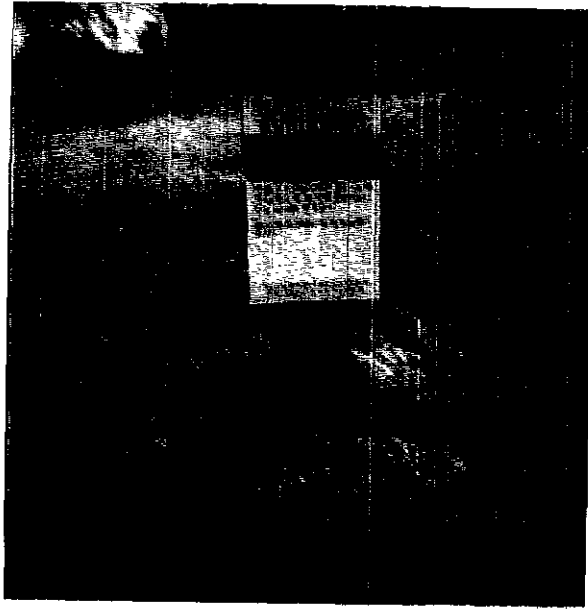

Joseph C. Merrey
Planner I
Zoning Review

JCM:rye

Enclosure



95-453-X



453

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 7, 1995

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 445
Case No.: 95-453-A
Petitioner: North Oaks Real Est.
Mt. Wilson Hospital

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director June 29, 1995
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #445 - Mt. Wilson Hospital Site ADDENDUM
725 Mount Wilson Lane
Zoning Advisory Committee Meeting of June 19, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Air Quality

This site must comply with ANSI Standard C95.1-1982 at all times, including during reasonable roof access for maintenance/custodial personnel. We recommend that Caution/Warning signs be placed at all roof access doors.

J
JLP:SR:sp

MTWILSON/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

June 26, 1995

SUBJECT: Zoning Item #445 - Mt. Wilson Hospital Site
725 Mount Wilson Lane
Zoning Advisory Committee Meeting of June 19, 1995

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: June 26, 1995
Zoning Administration and Development Management

FROM: *Pub* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for June 26, 1995
Items 436, 437, 438, 441, 442, 444, (445), 446
447 and 449

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

MICROFILMED



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-13-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 445 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 15, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 433, 439, 441 and 445.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Long

PK/JL

Environmental Impact Statement

Mount Wilson Hospital American PCS Site

July 1995

Project No. 94161.37

**PETITIONER'S
EXHIBIT NO. 3**

Prepared for:

American PCS, L.P.

One Democracy Center

Suite 600

6901 Rockledge Drive

Bethesda, MD 20817

DMW

Prepared by:

Daft-McCune-Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286



TABLE OF CONTENTS

- PETITIONER'S
EXHIBIT NO. 2**

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

July 21, 1995

(410) 887-4386

G. Scott Barhight, Esquire
Christine McSherry, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
SW/S Mt. Wilson Lane, 2900' SE of its intersection w/Winands Road
(725 Mt. Wilson Lane)
2nd Election District - 2nd Councilmanic District
North Oaks Real Estate Part. - Petitioners
Case No. 95-453-X

Dear Mr. Barhight & Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

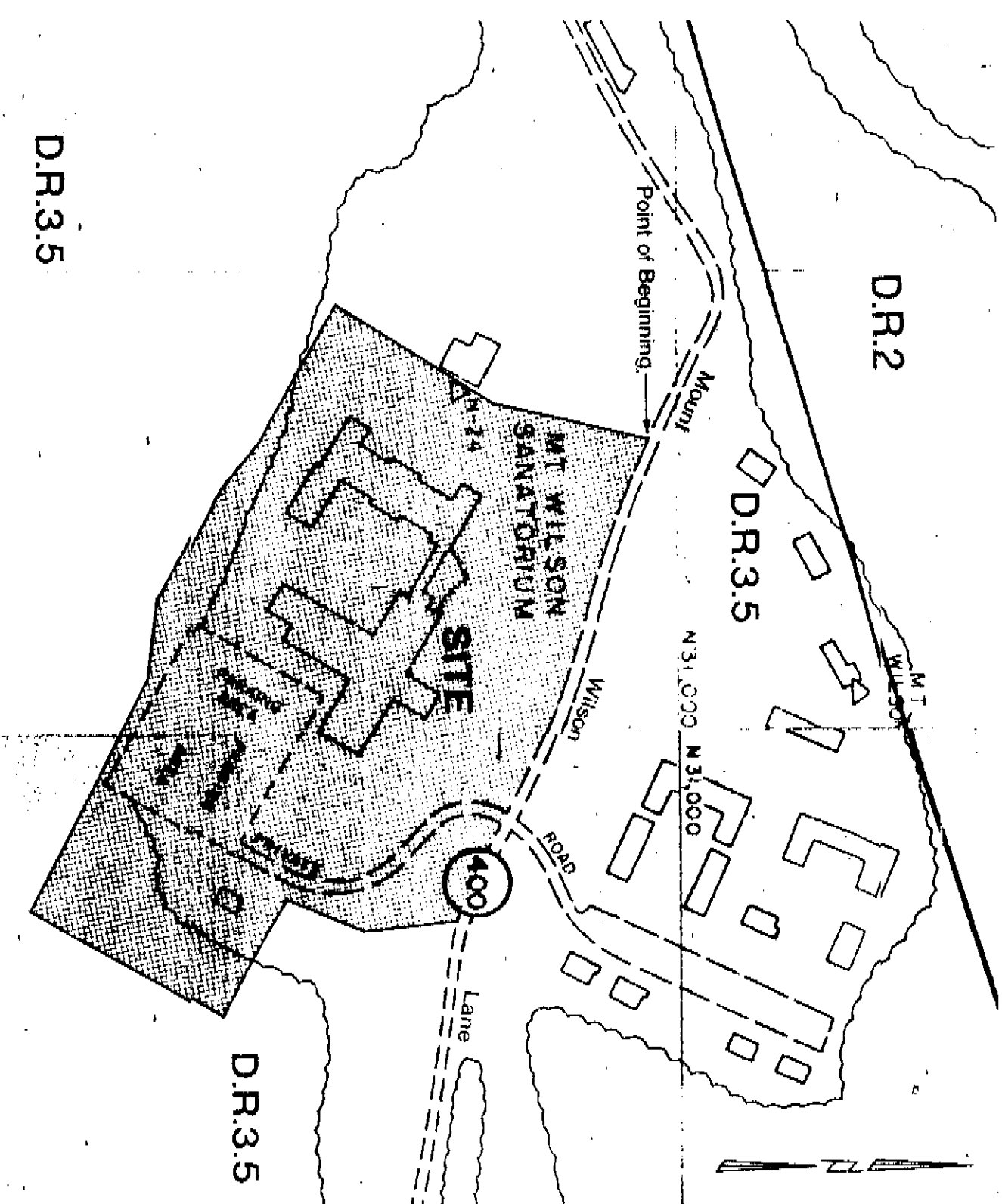
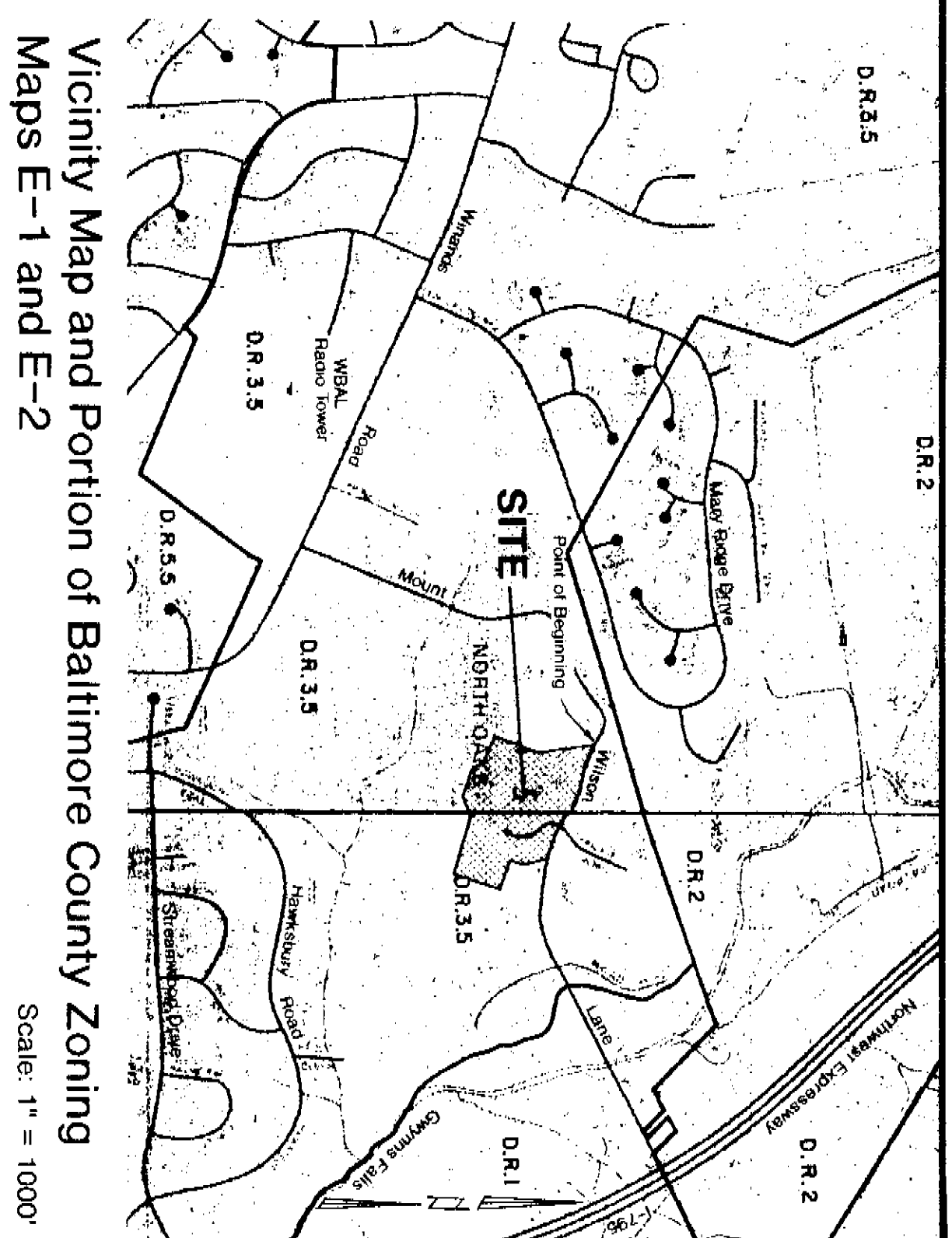
cc: Mr. David M. Zwald, Regional Administrator
North Oaks Real Estate Part., 800 Second Avenue, Des Moines, IA 50309

Ms. Margaret Reuggieri and Mr. Gregory Sarro, American PCS, L.P.,
One Democracy Ctr., 6901 Rockledge Dr., Suite 600, Bethesda, Md. 20817

Mr. Robert E. Morelock, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel; Case File





Portion of Baltimore County Zoning Maps N.W. 8-G and 8-H

PETITIONER: Scale: 1" = 200'
EXHIBIT NO. 1

- NOTES:**
1. Current owner: North Oaks Real Estate Partnership, 600 Second Avenue, Suite 200, Baltimore, MD 21202.
 2. Petitioner: American PCS, L.P., One Democracy Center, Suite 600, Bethesda, MD 20817.
 3. Site area: 10.28 A.C.
 4. Existing use: Life care community.
 5. Site address: 725 Mount Wilson Lane, Baltimore, MD 21208.
 6. Site data: Tax map 77, block 5, parcel 1353; Tax account No. 2700013798; Deed reference 825/1113; Election District: 2.
 7. The proposed wireless transmitting and receiving facility will consist of six small antennas mounted on the roof of the existing building. The antennas will be mounted on the existing mechanical penthouse walls, and two cabinets for radio and telephone equipment approximately 4'6" wide by 2'6" deep by 5'6" high, mounted inside the penthouse.
 8. No new or additional water or sanitary utilities are required for the proposed wireless transmitting and receiving facility.
 9. The information and boundary location shown herein have been compiled from direct, public, and other sources believed to be reliable; however, their accuracy is not guaranteed and is subject to revision.
 10. Environmental protection agency standards and guidelines relating to radiation from radio frequency electromagnetic fields (R.F.E.M.F.) have been reviewed and found to be within acceptable limits. An Environmental Impact Statement will be provided at the hearing.
 11. No lights are proposed for the wireless transmitting and receiving facility.
 12. Zoning History: On July 10, 1985, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.3.5 to D.R.2. On July 10, 1987, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.2 to D.R.3.5. On July 10, 1989, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.3.5 to D.R.2. On July 10, 1991, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.2 to D.R.3.5. On July 10, 1993, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.3.5 to D.R.2. On July 10, 1995, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.2 to D.R.3.5. On July 10, 1997, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.3.5 to D.R.2. On July 10, 1999, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.2 to D.R.3.5. On July 10, 2001, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.3.5 to D.R.2. On July 10, 2003, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.2 to D.R.3.5. On July 10, 2005, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.3.5 to D.R.2. On July 10, 2007, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.2 to D.R.3.5. On July 10, 2009, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.3.5 to D.R.2. On July 10, 2011, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.2 to D.R.3.5. On July 10, 2013, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.3.5 to D.R.2. On July 10, 2015, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.2 to D.R.3.5. On July 10, 2017, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.3.5 to D.R.2. On July 10, 2019, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.2 to D.R.3.5. On July 10, 2021, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.3.5 to D.R.2. On July 10, 2023, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.2 to D.R.3.5. On July 10, 2025, the Zoning Commissioner of Baltimore County ordered that the site be rezoned from D.R.3.5 to D.R.2.
 13. There are no signs proposed for this facility.
 14. Subtopic: Non-residential principal structure in a D.R.3.5 zone pursuant to §190.2 C.1.a. Required to wireless: Provided to wireless.
 15. Front: 50'; Side (left): 20'; Side (right): 20'; Rear: 30'; Proposed maximum height: 145'; Existing maximum height: 145'; Aesthetically open space: N/A.
 16. Amenity open space: N/A.
 17. Proposed Spaces: 248.

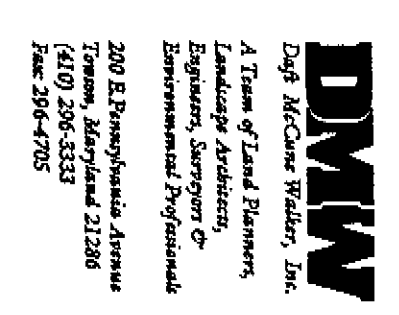
PRINTED
JUN 9 1996

DAFT-MACINE-WALKER, INC.

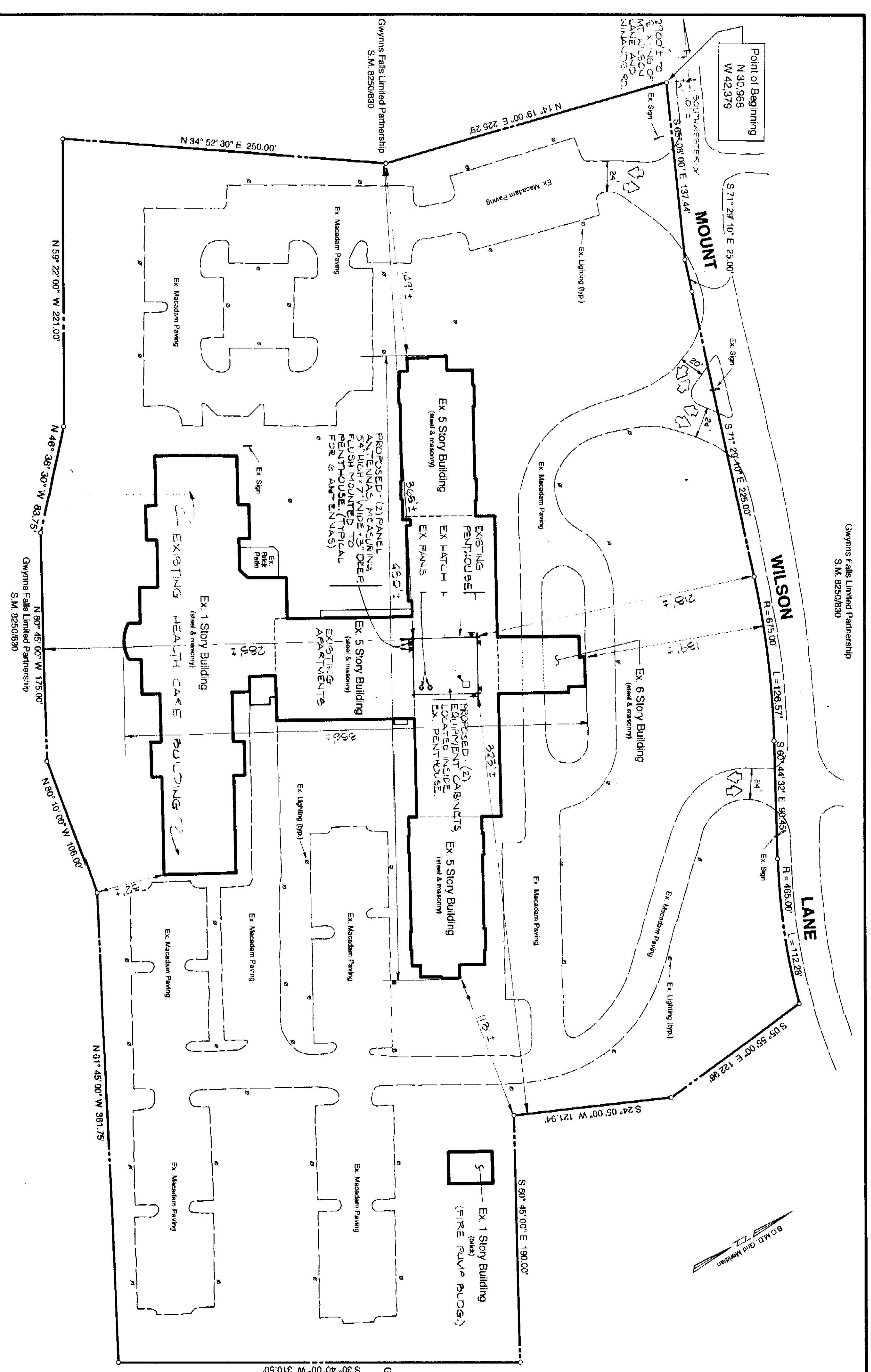
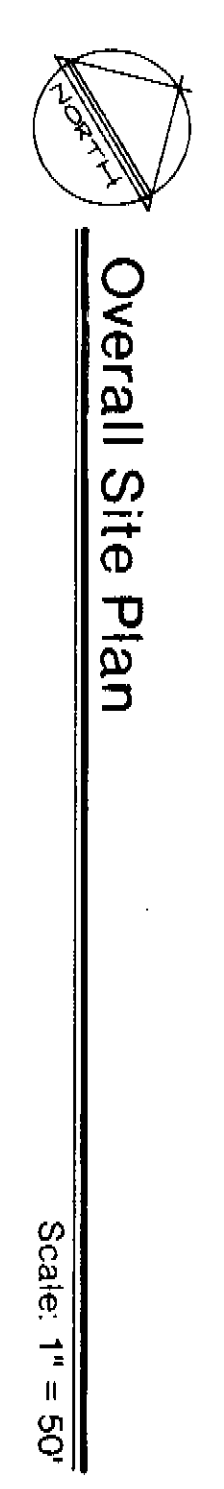
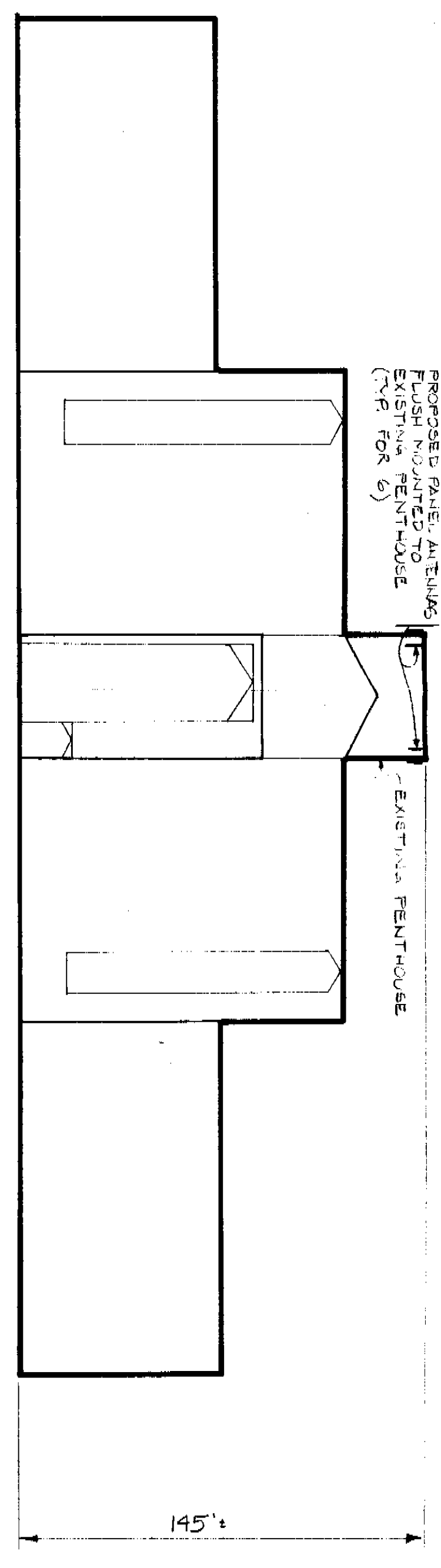


American Personal Communications
Site Plan to Accompany Petition for Special Exception
Mount Wilson Hospital Site
2nd Election District

BAN 79
Baltimore County, Maryland



North Elevation



Requested Zoning Action
Special Exception pursuant to B.C.Z. §190.1 C.20 to permit a wireless transmitting and receiving facility in a D.R.3.5 zone.
(Pursuant to §202.7 D.1 the site is exempt from subparagraphs §22.7 C.1, 2, 3, 4 and 5 of the B.C.Z.R.)

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
SW/S Mt. Wilson Lane, 2900' SE of * DEPUTY ZONING COMMISSIONER
its intersection w/Winands Road (725 Mt. Wilson Lane)
2nd Election District * OF BALTIMORE COUNTY
2nd Councilmanic District * Case No. 95-453-X
North Oaks Real Estate Part.
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 725 Mount Wilson Lane, located in the vicinity of Winands Valley Estates in Randallstown. The Petition was filed by the owners of the property, North Oaks Real Estate Partnership, by David M. Zwald, Regional Administrator, and the Contract Lessee, American PCS, L.P., by Margaret Reuggieri, through G. Scott Barhight, Esquire. The Petitioners request a special exception to permit a wireless transmitting and receiving facility on the subject property, pursuant to Section 1B01.1.C.20 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were Gregory Sarro, a representative of American PCS, L.P., Christine McSherry, Esquire, Robert E. Morelock with Daft-McCune, Walker, Inc., and Andrew Wereniak with Moffit, Larson & Johnson. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 10.28 acres, more or less, zoned D.R. 3.5 and is the site of the Mount Wilson Hospital, a life care community facility. The property was the subject of prior Case No. 86-2-XA in which a special exception and

variances for the existing convalescent center were granted on July 10, 1985. The Petitioners now come before me seeking a special exception for a wireless transmitting and receiving facility to be located upon the existing building as shown on Petitioner's Exhibit 1. Specifically, the Petitioners have entered into an agreement with American PCS, L.P. to place six antennae on the roof of the existing building to provide a cellular communications network for this area of Randallstown. As has been the case in similar Petitions, the company wishes to utilize existing structures to reduce the need for monopoles and new structures to support the antenna. Due to the property's zoning classification of D.R. 3.5, the relief requested is necessary in order to proceed as proposed.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 3.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

- 2 -

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of July, 1995 that the Petition for Special Exception to permit a wireless transmitting and receiving facility on the subject property, pursuant to Section 1B01.1.C.20 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 7/21/95
By [Signature]

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

July 21, 1995

(410) 887-4386

G. Scott Barhight, Esquire
Christine McSherry, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
SW/S Mt. Wilson Lane, 2900' SE of its intersection w/Winands Road
(725 Mt. Wilson Lane)
2nd Election District - 2nd Councilmanic District
North Oaks Real Estate Part. - Petitioners
Case No. 95-453-X

Dear Mr. Barhight & Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

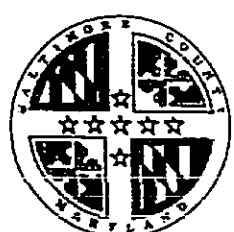
cc: Mr. David M. Zwald, Regional Administrator
North Oaks Real Estate Part., 800 Second Avenue, Des Moines, IA 50309

Ms. Margaret Reuggieri and Mr. Gregory Sarro, American PCS, L.P.,
One Democracy Ctr., 6901 Rockledge Dr., Suite 600, Bethesda, Md. 20817

Mr. Robert E. Morelock, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel; Case File

Printed with Soy-based Ink
on Recycled Paper



Petition for Special Exception

to the Zoning Commissioner of Baltimore County
for the property located at 725 Mount Wilson Lane
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a wireless transmitting and receiving facility pursuant to 1B01.1.C.20

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contracted by: Margaret Reuggieri
American PCS, L.P.
Type of Petitioner: Contract Lessee
One Democracy Center
6901 Rockledge Drive, Suite 600
Bethesda, MD 20817

Attorney for Petitioner:
G. Scott Barhight, Esq.
Whiteford, Taylor & Preston
Type of Petitioner: Attorney

500 Court Towers
210 W. Pennsylvania Ave. 832-2000
Towson, MD 21204

Legal Owner(s):
David M. Zwald, Regional Admin.
Type of Petitioner: Legal Owner

Signature: [Signature]
Type of Petitioner: Legal Owner

North Oaks Real Estate Partnership
800 Second Avenue
Des Moines, IA 50309

Robert E. Morelock
Daft-McCune-Walker, Inc.
200 E. Pennsylvania Ave. Towson 296-3333

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING: 1 hr
the following date: 7/21/95 available for hearing
Next Two Months
ALL YES OTHER NO
REVIEWED BY: can DATE: 8 June 95

Description
To Accompany Petition for Special Exception
10.28 Acre Parcel
North Oaks Real Estate Partnership Property
Southwest Side of Mount Wilson Lane
Northeast of Winands Road
Second Election District, Baltimore County, Maryland



Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21204
410-296-3333
Fax 296-4795

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Beginning for the same on the southwest side of Mount Wilson Lane at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Mount Wilson Lane with the centerline of Winands Road (1) Northeasterly, Easterly, and Southeasterly along said centerline of Mount Wilson Lane 2900 feet, more or less, and thence (2) Southwesterly 10 feet, more or less, to the point of beginning, thence leaving said point of beginning and running the seventeen following courses and distances, referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, viz: (1) South 65 degrees 08 minutes 00 seconds East 137.44 feet, thence (2) South 71 degrees 29 minutes 10 seconds East 25.00 feet, thence (3) South 71 degrees 29 minutes 10 seconds East 225.00 feet thence (4) Southeasterly by a curve to the right with a radius of 675.00 feet, for a distance of 126.57 feet, (the chord of said arc bearing South 66 degrees 06 minutes 51 seconds East 126.39 feet and having a beginning tangent bearing of South 71 degrees 29 minutes 10 seconds East and a departing tangent bearing of South 60 degrees 44 minutes 32 seconds East), thence (5) South 60 degrees 44 minutes 32 seconds East 90.45 feet, thence (6)

Page 1 of 2

445

Southeasterly by a curve to the left with the radius of 465.00 feet, for a distance of 112.28 feet, (the chord of said arc bearing South 67 degrees 39 minutes 34 seconds East 112.00 feet and having a beginning tangent bearing of South 60 degrees 44 minutes 32 seconds East and a departing tangent bearing of South 74 degrees 34 minutes 36 seconds East), thence (7) South 05 degrees 55 minutes 00 seconds East 122.96 feet, thence (8) South 24 degrees 05 minutes 00 seconds West 121.94 feet, thence (9) South 60 degrees 45 minutes 00 seconds East 190.00 feet, thence (10) South 30 degrees 40 minutes 00 seconds West 310.50 feet, thence (11) North 61 degrees 45 minutes 00 seconds West 361.75 feet, thence (12) North 80 degrees 10 minutes 00 seconds West 108.00 feet, thence (13) North 60 degrees 45 minutes 00 seconds West 175.00 feet, thence (14) North 46 degrees 38 minutes 30 seconds West 83.75 feet, thence (15) North 59 degrees 22 minutes 00 seconds West 221.00 feet, thence (16) North 34 degrees 52 minutes 30 seconds East 250.00 feet, and thence (17) North 14 degrees 19 minutes 00 seconds East 225.29 feet to the point of beginning; containing 10.28 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.
June 6, 1995
Project No. 94161.37 (L94161.37)



Page 2 of 2

445

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 6/14/95
Posted for: Special Exception
Petitioner: North Oaks Real Estate Partnership & American PCS, L.P.
Location of property: 725 Mt. Wilson Lane - Mt. Wilson Hospital
Location of Signs: Being Redundant, Discontinued
Remarks: [Signature] Date of return: 6/13/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 14, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/22, 1995

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Special Exception to RCM 106 of the County Code, 11-10-100, at the County Office Building, 400 Washington Avenue, Towson, Maryland 21204 at 2:00 PM on July 21, 1995.

Case: 95-453-X
Petitioner: American PCS, L.P.
Hearing: Friday, July 21, 1995 at 2:00 PM in the 106 County Office Building.

Special Exception for a wireless transmitting and receiving facility.
Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
NOTES: (Hearings are held on Wednesdays for special exceptions. Please call 887-3391 for more information regarding the hearing process. If the hearing is held on a Friday, please call 887-3391 for more information.)
June 22, 1995

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 8 June 95
North Oaks Real Estate Partnership
725 Mt. Wilson Lane

SPX — 300.00
S. qns — 35.00
\$ 335.00

receipt
95-453-X
Number 445-
CAM

Account: R001-6190
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 445
Petitioner: AMERICAN PCS, L.P.
Location: 725 MOUNT WILSON LANE

PLEASE FORWARD ADVERTISING BILL TO:
NAME: AMERICAN PCS, L.P.
ONE DEMOCRACY CENTER
ADDRESS: 6901 ROCKLEDGE DRIVE, SUITE 600
BETHESDA, MD 20817
PHONE NUMBER: (301) 214-9494

AJ:ggg (Revised 04/09/93)

TO: POTUSCENT PUBLISHING COMPANY
June 22, 1995 Issue - Jeffersonian

Please forward billing to:
American PCS, L.P.
One Democracy Center
6901 Rockledge Drive, #600
Bethesda, MD 20817
301-214-9494

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-453-X (Item 445)
725 Mt. Wilson Lane - Mt. Wilson Hospital
SW/S Mt. Wilson Lane, 2300' Ely Mounds
2nd Election District - 2nd Councilmanic
Legal Owner(s): North Oaks Real Estate Partnership
Petitioner/Lessee: American PCS, L.P.
HEARING: FRIDAY, JULY 14, 1995 at 2:00 p.m. in Room 106, County Office Building.

Special Exception for a wireless transmitting and receiving facility.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

June 15, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-453-X (Item 445)
725 Mt. Wilson Lane - Mt. Wilson Hospital
SW/S Mt. Wilson Lane, 2300' Ely Mounds
2nd Election District - 2nd Councilmanic
Legal Owner(s): North Oaks Real Estate Partnership
Petitioner/Lessee: American PCS, L.P.
HEARING: FRIDAY, JULY 14, 1995 at 2:00 p.m. in Room 106, County Office Building.

Special Exception for a wireless transmitting and receiving facility.

Arnold Jablon
Director

cc: David M. Zwill/North Oaks Real Estate Partnership
Margaret Knappier, Esq.
6. Scott Barhight, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 7, 1995

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 445
Case No.: 95-453-A
Petitioner: North Oaks Real Est.
Mt. Wilson Hospital

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management June 29, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #445 - Mt. Wilson Hospital Site ADDENDUM
725 Mount Wilson Lane
Zoning Advisory Committee Meeting of June 19, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Air Quality

This site must comply with ANSI Standard C95.1-1982 at all times, including during reasonable roof access for maintenance/custodial personnel. We recommend that Caution/Warning signs be placed at all roof access doors.

JLP:SR:sp
MTWILSON/DEPRM/TXTSPB

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management June 26, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #445 - Mt. Wilson Hospital Site
725 Mount Wilson Lane
Zoning Advisory Committee Meeting of June 19, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Air Quality

This office has not yet heard from the attorney who is handling this case. They are well aware of the information that we need to evaluate these cellular sites, yet it is usually not forthcoming, if at all, until the day of the hearing.

JLP:SR:sp
MTWILSON/DEPRM/TXTSPB

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 26, 1995
Zoning Administration and Development Management

FROM: Robert W. Powling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for June 26, 1995
Items 436, 437, 438, 441, 442, 444, 445, 446
447 and 449

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

6-13-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 445 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 15, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 433, 439, 441 and 445.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*
Division Chief: *Gregory Lerner*
PK/JL

ZAC.433/PZONE/ZAC1

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 06/14/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUNE 19, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 441, 442, 443, 444, 445, 446, 447, 448 AND 449.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office. PHONE 887-4881, MS-1102F

cc: File

PETITION PROBLEMS
AGENDA OF JUNE 19, 1995

437 --- MJK

1. Notary section is incorrect.

#439 --- MJK

1. Need power of attorney for person signing for legal owner.

#441 --- MJK

1. Legal owner's name does not agree on petition and plat. Petition says Garland & Carnether Hurt; plat says Sparrows Point Lodge #3339 G.W.O. of Odd Fellows. Which one is correct?

#445 --- CAM

1. Legal owner's name does not agree on petition and plat. Petition says David M. Zwald, Regional Admin.; plat says North Oaks R.E. Part. Which one is correct?

#448 --- JJS

1. No telephone number on petition form for legal owner.

#449 --- JJS

1. Notary section is incomplete.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
725 Mt. Wilson Lane (Mt. Wilson Hospital) * ZONING COMMISSIONER
SW/S Mt. Wilson Lane, 2900' Ely Winands * OF BALTIMORE COUNTY
2nd Election District - 2nd Councilmanic *
North Oaks Real Estate Partnership * CASE NO. 95-453-X
Petitioners *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preson, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

95-453-X

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American Personal Communications

AMERICAN PERSONAL COMMUNICATIONS (APC)
HEARING BEFORE THE BALTIMORE COUNTY
ZONING COMMISSIONER
July 14, 1995

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1. Lease Agreement with North Oaks Real Estate Partnership
2. Photographs of 725 Mt. Wilson Lane
3. Photographs and Specification Sheets for Antennas
4. Photograph and Specification Sheets for Equipment Cabinets
5. FCC License
6. FCC Adopts ANSI EMF Regulations
7. Radio Frequency Statement - Jules Cohen
8. FCC Statement on PCS - Creating Significant Benefits for Consumers and Business
9. FCC's Chairman, Reed Hundt, Speech Excerpts

PETITIONER'S
EXHIBIT NO. 2

2212 Old Court Road, Baltimore, MD 21206-3432 (410) 825-4220 Fax: (410) 821-8630
One Democracy Center, 6901 Rockledge Drive, Suite 600, Bethesda, MD 20817 (301) 214-9200 Fax: (301) 214-9490
1-800-TALK-APC

Environmental Impact
Statement

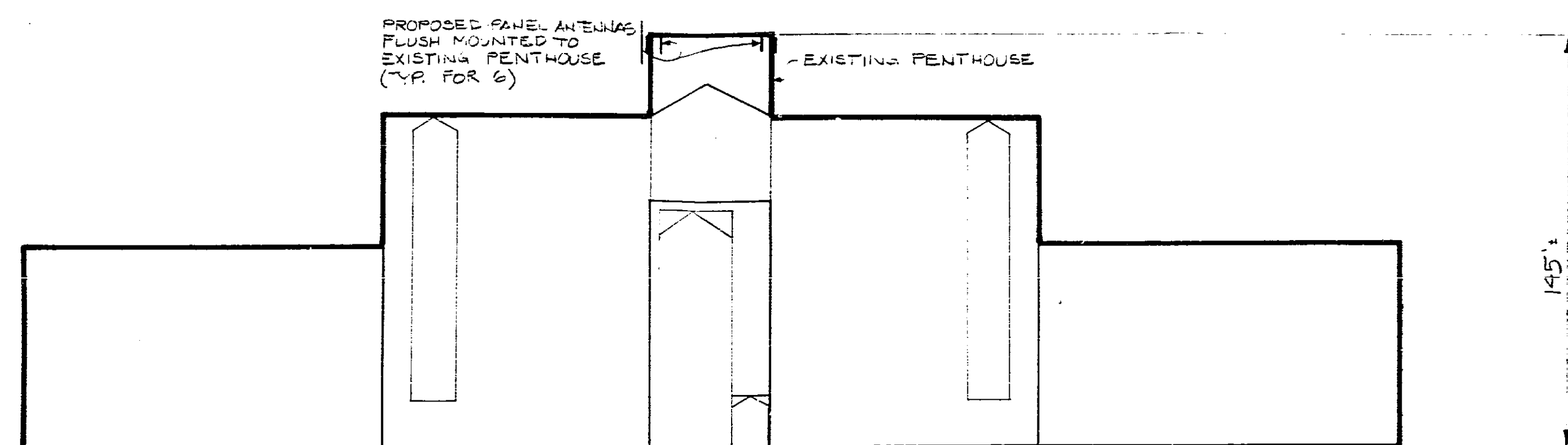
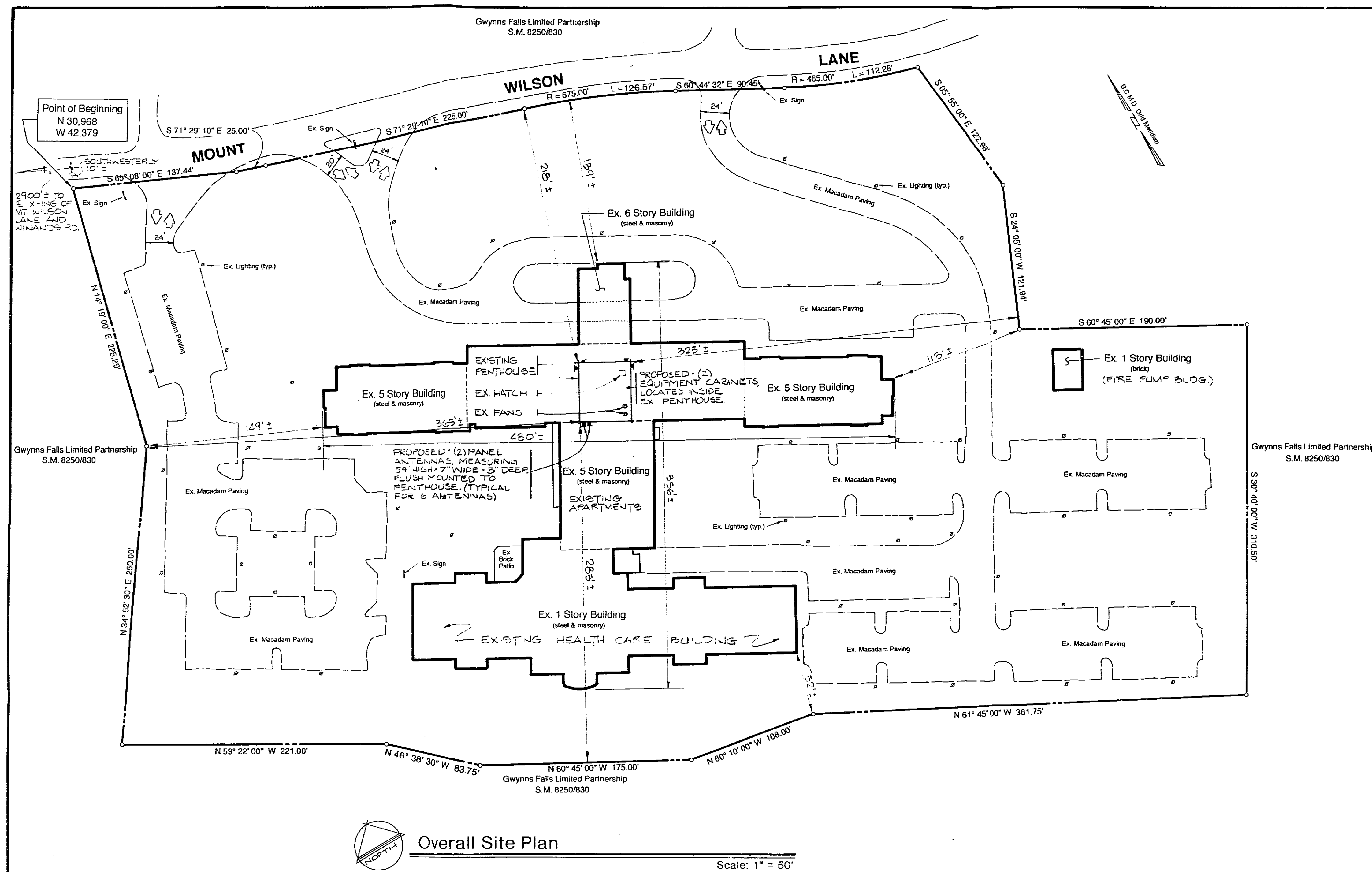
Mount Wilson Hospital
American PCS Site

July 1995
Project No. 94161.37

PETITIONER'S
EXHIBIT NO. 3

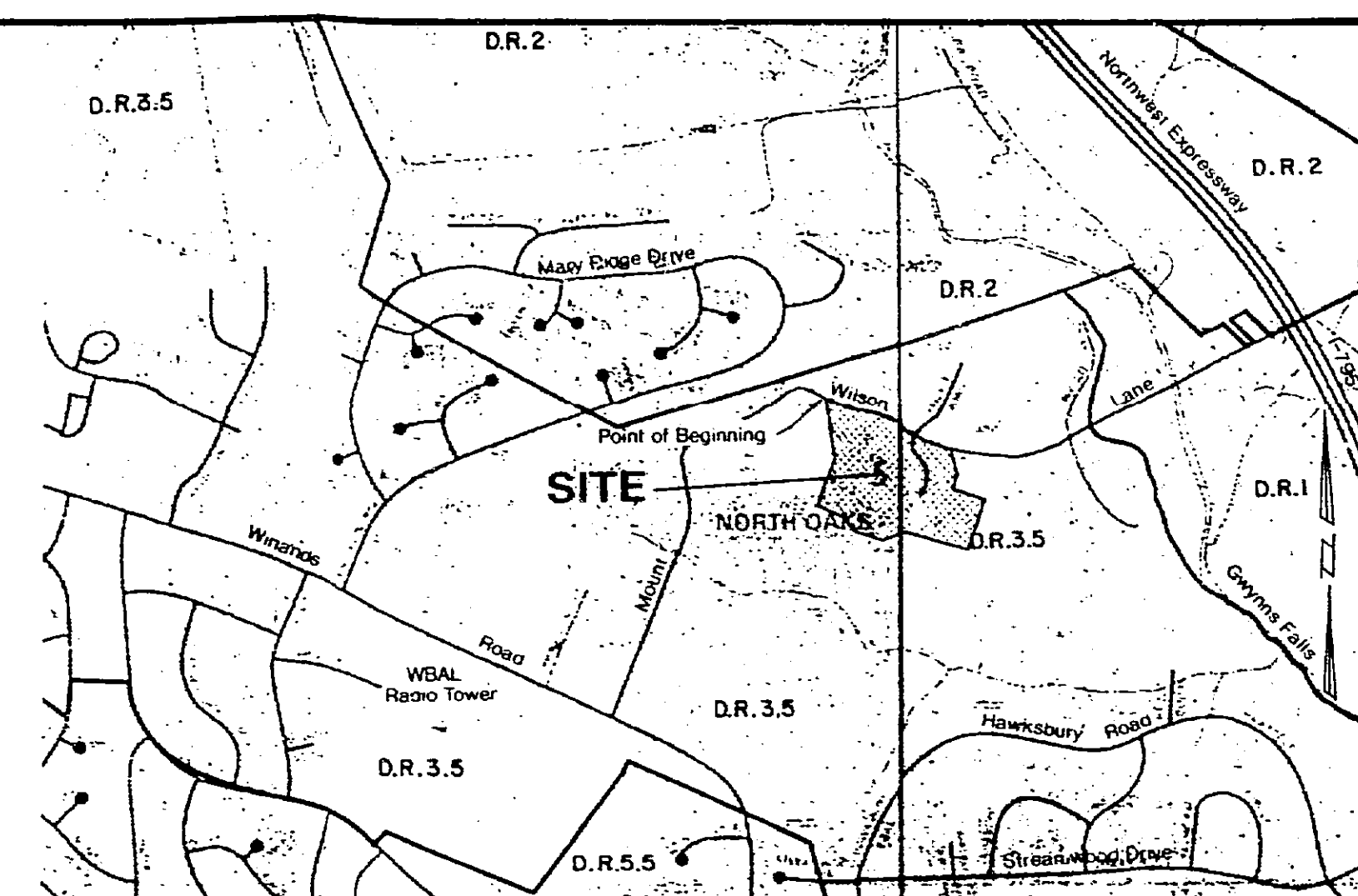
Prepared by:
American PCS, L.P.
One Democracy Center
Suite 600
6901 Rockledge Drive
Bethesda, MD 20817

DMW
Prepared by:
Duff-McCune-Walker, Inc.
200 East Penny/Vania Avenue
Towson, Maryland 21286

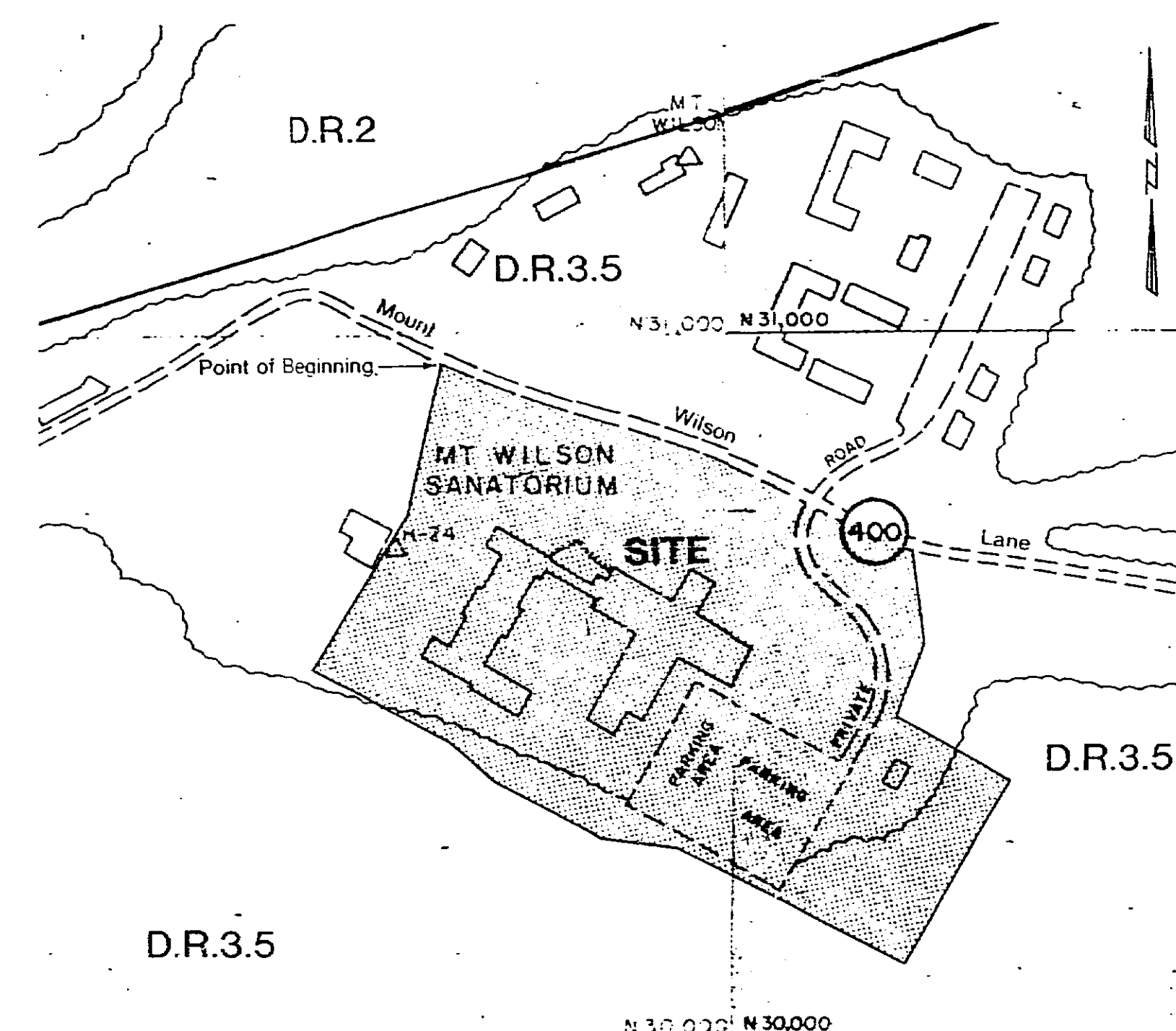


Requested Zoning Action

Special Exception pursuant to BCZH §1901.1.C.20 to permit a wireless transmitting and receiving facility in a D.R.3.5 zone.
(Pursuant to §502.7.D.1 the site is exempt from subparagraphs 502.7.C.1, 2, 3, 4 and 5 of the B.C.Z.R.)



Vicinity Map and Portion of Baltimore County Zoning Maps E-1 and E-2
Scale: 1" = 1000'



Portion of Baltimore County Zoning Maps N.W. 8-G and 8-H
Scale: 1" = 200'

NOTES:

- Current owner and street address: North Oaks Real Estate Partnership c/o Life Care Services Corporation 800 Second Avenue Des Moines, IA 50309
- Contract lessee/ Petitioner: American PCS, L.P. One Democracy Center 6901 Rockledge Drive, Suite 600 Bethesda, MD 20817
- Site area: 10.28 Ac.±
- Existing use: Life care community
- Site Address: 725 Mount Wilson Lane Baltimore, MD 21208
- Site data: Tax map 77, block 5, parcel 1353 Deed reference: 8251/113 Tax Account No. 21000013796 Zoning: D.R. 3.5 Election District: 2 Councilmanic District: 2
- The proposed wireless transmitting and receiving facility will consist of six panel type antennas approximately 7' wide by 3' deep by 4'-6" high, mounted on the existing mechanical penthouse walls, and two cabinets for radio and telephone equipment approximately 4'-6" wide by 2'-6" deep by 5'-6" high, mounted inside the penthouse.
- No new or additional water or sanitary utilities are required for the proposed wireless transmitting and receiving facility.
- The information and boundary location shown hereon have been compiled from deeds, plats, and other sources believed to be reliable; however their accuracy is not guaranteed and is subject to revision.
- Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times. An Environmental Impact Statement will be provided at the hearing.
- No lights are proposed for the wireless transmitting and receiving facility.

12. Zoning History:

- On July 10, 1985 the Zoning Commissioner of Baltimore County ordered that Special Exception Case #86-2-XA, be granted to permit a convalescent home in a D.R.3.5 zone and variances to permit a building length of 475 feet and a building height of 130 feet subject to the following restrictions:
- The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
 - The Agreement of Sale entered into and executed by and between the State of Maryland and the Petitioner, dated June 15, 1984, shall be incorporated into and made a part of this Order in its entirety.
 - The special exception and variance to Section 1901.2.B.2 shall be utilized within five years from the date of this Order.
- On July 31, 1987 the Zoning Commissioner of Baltimore County ordered that Special Exception Case #88-19-XSPH, be granted to permit building elevation widths of 490 feet and 330 feet and to approve an amendment to the site plan filed in Case #86-2-XA to reflect the same.

13. There are no signs proposed for this facility.
14. Setbacks:
Non-residential principal structure in a D.R.3.5 zone pursuant to §1801.2.C.1.a
- | | Required to wireless trans. & rec. facility | Provided to wireless trans. & rec. facility |
|--------------|---|---|
| Front: | 50' | 210'± |
| Side (east): | 20' | 325'± |
| Side (west): | 20' | 365'± |
| Rear: | 30' | 285'± |
- Existing maximum height of building = 145'±
Proposed maximum height = 145'±
15. Amenity open space: N/A
16. Parking: Existing Spaces: 248
Proposed Spaces: 0

The proposed wireless transmitting and receiving facilities do not block or affect any existing parking spaces.

17. This site was the subject Commercial Permit No. 2355-88 - additions and alterations to existing facilities


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JUN 8 1995

DAFT-MCCUNE-WALKER, INC.

DMW
DAFT MCCUNE WALKER, INC.
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals
200 E. Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax: 296-4705

American Personal Communications
Site Plan to Accompany Petition for Special Exception
Mount Wilson Hospital Site
2nd Election District
Baltimore County, Maryland
BAN 79

No.	Description	Date
REVISIONS		
Proj. No.	94161.37	
Date		
Scale	As Shown	
Last Rev.		
		
Sheet		